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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/309, 747	05/11/99	VAN DEN AKER	C 6185

QM12/0914

EXAMINER

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INTELLECTUAL PROPERTY LAW DEPT
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825 OLD TRAIL ROAD
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TRINH, M

ART UNIT	PAPER NUMBER
	3729

DATE MAILED: 09/14/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)
	09/309,747	VAN DEN AKER, CORNELIS G.J.
Examiner	Art Unit	
Minh Trinh	3729	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) Responsive to communication(s) filed on 20 July 2000.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 13-32 is/are pending in the application.
 - 4a) Of the above claim(s) 25-28 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 13-24, 29-32 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - a) All b) Some * c) None of the CERTIFIED copies of the priority documents have been:
 1. received.
 2. received in Application No. (Series Code / Serial Number) _____ .
 3. received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) <i>Substitute</i>	18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
16) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	20) <input type="checkbox"/> Other: _____

DETAILED ACTION

1. The restriction requirement in paper No. 6 had been withdrawn. Claims 29-32 will be reconsidered for examination. However, claims 25-28 as being drawn to non elected second species as shown in figure 11 (page 3, applicant's election of species) are withdrawn from further consideration by the examiner, 37 CFR 1.142(b). Applicant is reminded that claims 25-28 are being non elected inventions should be cancelled.
2. Note that Claims 13-19 and claim 20-24 are distinct inventions, related as subcombinations disclosed as usable together in a single combination; however restriction is not being required at this time as no serious burden upon the Examiner is present.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 13-24 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The scope of claims 1-24 is not clear. The claims appear to be directed to press block. However, the claims contain limitations directed to the functioning structural outside of a press block and define press block relative to its structural, for example "-- associated with a respective one of the terminal --" (claim 13, lines 6);—"a front face receiving the terminal--"(claim 20, line 3); "--wherein the terminal extend through the openings—" (claim 20, line 7), etc. Therefore, it is not clear if applicant is solely relying on the press block for patentability or if

applicant is relying on the combination of the press block and the outside elements (terminal) for patentability.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Claims 13, 17, 19, 29-32 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Applicant Admitted Prior Art (AAPA). AAPA discloses a press block comprising:

A generally planar base (fig 1, Item 4, specification, page 2, line 15 to page 3, line 8, page 8, lines 13-38); A plurality of discrete opening through the base, each opening associated with a respective one of the terminals (fig 1, specification, page 8, lines 13-38, page 9, lines 1-22).

7. Claims 13-18, 20-24, 29-32 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Potters (US 6,095,826).

Potters discloses a press block comprising: A generally planar base having thickness substantially less than a length of the terminal (fig 5); A plurality of discrete opening 44 through the base, each opening associated with a respective one of the terminals (fig 2, 5, col. 2, lines 46-67, col. 3, lines 1-30, col. 3, lines 42-55).

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Regarding to claims 14, 15, 21, 22, Potters discloses the press block form moldable material (col. 2, lines 60-67, col. 3, lines 1-5). Note that material such as moldable thermoplastic taught by Potters broadly readable as composite of a polymer and a fine grain metal of the instant invention.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 14-16, 20, 21-24, 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA).

AAPA as advanced above meet all the claimed invention limitation except for the material structural of the press block, such as metal injection molded are old and well known. It would have been an obvious matter of design choice to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice since the applicant has not

disclosed that the use of metal injection molded solves any stated problems or is for any particular purposed and it appears that the invention would perform equally well with the use of conventional moldable thermoplastic as taught by prior art.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Trinh whose telephone number is (703) 305-2887. The examiner can normally be reached on Monday -Friday 8:00 am to 4:30 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young can be reached on (703) 308 2572. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7307 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

mt
August 24, 2000

Lee Young
LEE YOUNG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700